REMARKS

The Examiner has rejected claims 20-24 as being anticipated by Killion et al.

It is respectfully submitted that, for example, Killion et al. does not teach the use of a bi-level switching state value (e.g., "0" or "1") to trigger a smooth change in programs. In addition, Killion et al. does not teach a time-based transition.

In Killion et al., the logarithmic rectifier 270 simply has a non-linear output in response to its input (i.e., logarithmic output), thus providing an output value indicative of the input but with a compressed dynamic range. This output value is a continuous function of the MIC 230 output, it is not a bi-level switching state value.

Further, the output from 270 is not a time-dependent output (i.e., <u>one cannot determine its value based on knowing its value at some previous time</u>). This value is used in a fader circuit (e.g., 205) that responds to the ambient noise level. The fader is not time-based but instead directly responsive to the noise level. See, e.g., col. 9, lines 14-25. There is no bi-level switching state value that triggers a program change. Further, such an amplifier is not equivalent to a low-pass or a ramp filter, which are time-based.

In particular respect to claims 21 and 22, it is respectfully submitted that the logarithmic amplifier 270 does not provide a low pass or ramp response. A logarithmic amplifier provides an output $f(x)=\log(x)$ where x is greater than 1 (i.e., it is a type of amplitude compressor). This is not a ramp function or a low pass response.

It is respectfully submitted that claims 20-24 are not anticipated by Killion er al.

The Examiner has rejected claims 1-12, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 7/19, 8/19, 9/19, 10/19, 11/19, 12/19 and 20-24 as being unpatentable over Jensen in view of Killion et al.

Jensen teaches the transition from directional to omnidirectional programs in a hearing aid. A time value T, related to the delay between a front and a rear microphone, is used to maintain amplitude, time delay and phase constant during the transition (see, Abstract).

Jensen has no teaching of how to perform a time-based transition between programs, nor is there a teaching of the use of a bi-level switching state value to make such a transition.

Killion et al., discussed above, also does not teach such elements.

Jensen and Killion et al. cannot be combined to form the present invention.

It is respectfully submitted that claims 1-12, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 7/19, 8/19, 9/19, 10/19, 11/19, 12/19 and 20 and 24 are patentable over Jensen in view of Killion et al.

The Examiner has rejected claims 13-18, 13/19, 14/19, 15/19, 16/19, 17/19 and 18/19 as being unpatentable over Jensen in view of Killion et al. in further view of Ruegg.

Ruegg does not teach the use of a bi-level switching state value to trigger a smooth change in programs. In addition, Ruegg does not teach a time-based transition between programs.

Killion et al. and Jensen, discussed above, also do not teach such elements.

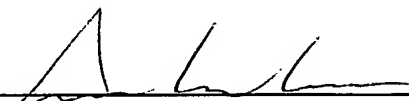Jensen, Killion et al. and Ruegg cannot be combined to form the present invention.

It is respectfully submitted that claims 13-18, 13/19, 14/19, 15/19, 16/19, 17/19 and 18/19 are patentable over Jensen in view of Killion et al. in further view of Ruegg.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notification of same is requested.

If there are any additional fees resulting from this communication which are not covered by an enclosed check, please charge same to our Deposit Account No. 16-0820, our Order No. 34152.

Respectfully submitted,

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